

Appl. No. 10/686,085
Amendment dated August 18, 2006
Reply to Office Action of May 18, 2006

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Remarks/Arguments

Claims 1-20 are pending and of these claims 1, 6, 11-12, 17 and 20 stand rejected on varying grounds under §102(e) and 103(a) while claims 2-5, 7-10, 13-16, and 18-19 are objected to but deemed to recite allowable subject matter.

Claim 1, claim 6, and claim 12 have been amended to include, respectively, the features of claim 2, claim 9 and claim 15, and the latter three claims have been canceled. Claim 3 has been amended in view of the changes to claim 1. Claim 4 has been amended to resolve an informality. Claim 10 has been amended in view of the changes to claim 6. Claim 16 has been amended in view of the changes to claim 12. New claims 21-22 have been added. No new matter has been added by any amendments.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1, 3-8, 10-14, and 16-22 and withdraw the rejection of these claims.

- a) Applicant notes with appreciation that the Examiner has considered the art listed on and returned an initialed copy of form 1449.
- b) Claims 1, 12, 17 and 20 stand rejected under 35 U.S.C. 102(e) as being clearly anticipated by Seligmann (U.S. Publication No. 2004/0066932).

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Claim 1 and claim 12 are independent claims with claim 17 and 20 dependent on claim 12. Claim 1 has been rewritten to include the features of claim 2, which has been canceled and claim 12 has been rewritten to include the features of claim 15, which has been canceled.

Claim 1 as rewritten includes all features of original claim 2 and claim 12 includes all features of original claim 15. As noted by the Examiner claim 2 and claim 15 each recite allowable subject matter but would be allowable if rewritten to include all features of the base claim. Thus, claim 1 and claim 12 as well as any claims dependent on either of claim 1 or claim 12 should be deemed allowable.

Therefore, in view of these comments, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 12, 17 and 20 under 35 U.S.C. 102(e) as being clearly anticipated by Seligmann (U.S. Publication No. 2004/0066932).

c) Claims 6 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Seligmann in view of Beigel et al (U.S. Publication No. 2003/0174049).

Claim 6 is an independent claim with claim 11 dependent thereon. Claim 6 has been amended to include the features of claim 9 and claim 9 has been canceled. As noted by the Examiner claim 9 recites allowable subject matter but would be allowable if rewritten to include all features of the base claim. Thus, claim 6 as well as any claims dependent on claim 6 should be deemed allowable.

Therefore, in view of these comments, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 6 and 11 under 35 U.S.C. 103(a) as being unpatentable over Seligmann in view of Beigel et al (U.S. Publication No. 2003/0174049).

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d) Claims 2-5, 7-10, 13-16, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As noted above claim 1 has been amended to include the limitations of claim 2 and is thus allowable. Thus the objection to claims 3-5 which are dependent on claim 1 should be withdrawn since these claims at least based on dependency are now allowable.

Similarly claim 6 has been amended to include the features of claim 9 and is thus allowable. Thus the objections to claims 7-8 and 10 which are dependent on claim 6 should be withdrawn since these claims at least based on dependency are now allowable.

Furthermore, claim 12 has been amended to include the features of claim 15 and is thus allowable. Thus the objections to claims 13-14, 16, 18, and 19 which are dependent on claim 12 should be withdrawn since these claims at least based on dependency are now allowable.

e) New claims 21-22 have been added.

Claim 21 is an independent claim with features similar to amended claim 6, but with varying scope. It is believed that new claim 21 is allowable for reasons analogous to the reasons claim 6 is allowable.

Accordingly, Applicant respectfully submits that the remaining pending claims 1, 3-8, 10-14, and 16-22, as amended or newly added, clearly and patentably distinguish over the cited references of record and as such are to be deemed allowable. Such allowance is hereby earnestly

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and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable, other than the additional independent claim fee separately noted, since this response is being timely filed within the allotted 3 month time period and no other fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-3435.

Respectfully submitted,

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